

money due from the freight of a vessel chartered by the plaintiff's intestate to the intestate of the defendants; that these defendants pretending ignorance of any suit having been instituted against their intestate, in his life-time, for the recovery of this debt, have pleaded in bar thereof, that they had fully administered the estate of their intestate without any knowledge of the plaintiff's claim, or of the pendency of the suit at law; that the defendant Mary is the widow, and the defendant Isaac is the brother or near relation of their intestate; and both, being intimately acquainted with his affairs, did know, that the controversy between the late John and the late Nathan had been referred to arbitration, and had never been settled; and that the defendants before the 10th of October, *1821, had employed counsel to attend to the interests of the estate committed to their care in that controversy. **393**

Whereupon the plaintiff prayed, that he might have a full and fair discovery of the knowledge of the defendants in the premises to enable him to protect himself against their plea in bar, a matter difficult from other proof, by reason of the great lapse of time since the institution of the suit.

The defendants on the 11th of July, 1831, put in a joint and several answer to this bill, in which they admit, that it was then known to them, that the suit had been instituted and referred to arbitration as alleged in the bill; and then they add, that no further proceedings were afterwards had in the said suit, as these defendants are informed and believe, during the life-time of the said original parties, nor until several years after the death of both the said John Price and Nathan Tyson, and after the distribution of the personal estate of the said Nathan.

These defendants further admit, that administration had been granted to them on the 1st of April, 1819; and then in addition, they say, that on the same 1st of April, an order was passed by the said Orphans' Court, directing, that an advertisement in the form prescribed in such cases by the Act of Assembly, should be inserted once a week for four successive weeks in *The Federal Gazette*, and also in *The American*, two newspapers published in the City of Baltimore, giving notice, that the defendants had obtained from the said Court such letters of administration on the estate of the said Nathan Tyson, and warning all persons having claims against the said deceased, to exhibit the same with the vouchers thereof to these defendants before a certain day to be named in such advertisement; and these defendants did accordingly in obedience to said order, and as directed by the said Orphans' Court, cause such advertisement, giving the said notice and warning to all persons having claims against the said Nathan Tyson, deceased, to exhibit the same with the vouchers to these defendants on or before the first day of October next thereafter, to be inserted in the said *Federal Gazette* newspaper, on the day